

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: — There is one Extraordinary issue to the Official Gazette, Series II No. 34 dated 24-11-94 as follows:

Extraordinary dated 25-11-94 from pages 541 to 542 regarding Notification from Social Welfare Department.

GOVERNMENT OF GOA

General Administration and Coordination Department

Corrigendum

No. 2/1/94-GAC-Holiday

Read: Notification of even number dated 26-10-1994.

The Public Holiday declared on 3-12-1995 on account of 'Feast of St. Francis Xavier' (appearing at Sr. No. 17 in Annexure I and Bank Holiday at Sr. No. 19, in Annexure IV of the above referred Notification) may be corrected to read as "December 2nd, Agrahayana 11, 1917 Saturday".

By order and in the name of the Governor of Goa.

T. J. Faleiro, Under Secretary (GA).

Panaji, 22nd November, 1994.

Department of Personnel

Order

No. 4/1/79-PER

On attaining the age of superannuation Shri A. K. Srivastava, Principal of Goa College of Engineering, Farmagudi, shall retire from Government service w. e. f. the afternoon of 31-12-1994.

By order and in the name of the Governor of Goa.

S. S. Keshkamati, Under Secretary (Personnel).

Panaji, 1st November, 1994.

Order

No. 4/12/85-PER

Consequent upon retirement on superannuation of Shri S. R. Shinkre, Chief Electrical Engineer on 31-10-1994 (A. N.) Shri U. P. Madihalli, Superintending Engineer shall look after the work of Chief Electrical Engineer in addition to his own duties on current duty charge with immediate effect.

By order and in the name of the Governor of Goa.

S. S. Keshkamati, Under Secretary (Personnel).

Panaji, 4th November, 1994.

Order

No. 5/22/76-PER (Vol. III)

Read: Orders (1) No. 5/22/76-PER (Vol. III) dated 26-8-91.

(2) No. 5/22/76-PER (Vol. III) dated 24-3-93.

(3) No. 5/22/76-PER (Vol. III) dated 27-5-93.

(4) No. 5/22/76-PER (Vol. III) dated 21-10-93.

(5) No. 5/22/76-PER (Vol. III) dated 16-3-94.

The ad-hoc appointment of Shri N. Pandalai, as Chief Town Planner, Panaji made vide order read in preamble (1) and extended upto 31-8-1994 vide orders read in preamble (2 to 5) above is extended for a further period w.e.f. 1-9-1994 upto 31-12-1994 or till the post is filled up on regular basis whichever is earlier.

By order and in the name of the Governor of Goa.

S. S. Keshkamati, Under Secretary (Personnel).

Panaji, 15th November, 1994.

Home (General) Department

Order

No. 15-1-93-HD (G)

Read: Govt. Order No. 15-1-88-HD-(G) dated 12-7-94 reconstituting the Executive Committee for Benevolent Fund for Reconstruction and Rehabilitation of Ex-servicemen.

The Government of Goa is pleased to appoint Col. A. R. Ferrao (Retd), 27 Defence Colony, Porvorim as one of the members of the Executive Committee of Benevolent Fund for Reconstruction and Rehabilitation of Ex-servicemen in place of the President of Indian Ex-services League, Goa as its member.

2. By virtue of this order the entry at Sr. No. 5 appearing in the Government Order dated 12-7-94 cited above stands deleted.

3. The Government is further pleased to modify the order dated 12-7-94 cited above to the extent that "Station Commander Headquarters, 2 STC, Panaji, or his nominee" shall be the Vice-Chairman of the said Committee.

By order and in the name of the Governor of Goa.

D. M. Katkar, Under Secretary (Home).

Panaji, 23rd November, 1994.

Education Department

Order

No. 23/6/94-EDN

Smt. Maria Jacqueline Menezes is hereby appointed on temporary basis as recommended by the Departmental Selection Committee to the post of Lecturer in Organic Chemistry in Government College, Quepem with effect from 1-10-94 (B.N.) in the scale of Rs. 2200-4000/- plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/-.

She will be entitled for dearness allowance and House Rent Allowance as admissible to the employees of this Administration from time to time.

The appointment is subject to the condition specified in the office memorandum No. 23/4/EDN (Part file-II) dated 23-9-94 and the Rules and Regulations laid down by the Government from time to time.

The appointment is temporary and she will be on probation for a period of two years.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from holding of a post under Government.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 26th October, 1994.

Order

No. 16/1/88-EDN

The ad hoc appointments of the following teaching staff in Government Polytechnic, Panaji are hereby extended for a period of six months w.e.f. the dates indicated in Column No. 3, or till the posts are filled up on regular basis, whichever is earlier.

Sr. No.	Name of the Officer and Designation	Date when the present ad hoc appointment expires
1.	2.	3.
1.	Shri Shailendra C. Kakule, Lecturer in Mech. Engg.	19-11-1994.
2.	Shri Sanjot S. Borkar, Lecturer in Mech. Engg.	19-11-1994.
3.	Shri Pratap D. Khedekar, Lecturer in Physics.	26-11-1994.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 27th October, 1994.

DEPARTMENT OF COOPERATION

Office of the Registrar of Coop. Societies
and Ex-Officio Joint Secretary

Order

No. 48-1-90/TS

Read:- 1) This office order No. 48-1-90/TS dated 9-7-1992.

2) Letter dated 5-7-93 from Shri P. N. Palang, Advocate and Registrar's Nominee, Mapusa.

3) Letter No. AR/NZ/ABN/R'S Nominee/Vol. II dated 10-8-93 from Asstt. Registrar of Coop. Societies, North Zone, Mapusa.

By virtue of powers delegated to me vide Govt. order No. 42/4/90/TS dated 21-5-1993 and in terms of Sub-Section (1) of Section 93 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa read with sub-rule (1) of Rule 73 of the Cooperative Societies Rules, 1962 I, G. G. Kambli, Dy. Registrar of Coop. Societies, Goa am pleased to extend the term of appointment of Shri P. N. Palang, Advocate, Mapusa as Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, North Zone, Mapusa for a further period from 8-7-93 to 31-3-1994.

G. G. Kambli, Dy. Registrar of Coop. Societies.

Panaji, 1st September, 1993.

Order

No. 48-1-90/TS

Read:- 1) This office order No. 48-1-90/TS dated 31-7-1992.

2) Letter dated 7-7-93 from Adv. Ashok S. Mashelkar, Registrar's Nominee, Panaji.

3) Letter No. 1/70/EST/ARCS/CZ dated 17-8-93 from the Asstt. Registrar of Coop. Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government order No. 42/4/90/TS dated 21-5-1993 and in terms of sub-section (1) of section 93 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa read with Sub-Rule (1) of Rule 73 of the Cooperative Societies Rules, 1962 I, G. G. Kambli, Dy. Registrar of Cooperative Societies, Goa am pleased to extend the term of appointment of Shri Ashok S. Mashelkar, Advocate, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies Central Zone, Panaji for a further period from 8-7-93 to 31-3-94.

G. G. Kambli, Dy. Registrar of Coop. Societies.

Panaji, 1st September, 1993

Order

No. 48-1-90/TS

Read:- 1) This office order No. 48-1-90/TS dated 19-8-1992.

2) Letter dated 13-8-93 from Shri Suhas G. Thali, Advocate Panaji.

3) Letter No. 1/70/EST/ARCS/CZ dated 27-8-93 from the Asstt. Registrar of Cooperative Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government order No. 42-4-90/TS dated 21-5-1993 and in terms of sub-section (1) of Section 93 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa read with sub-rule (1) of Rule 73 of the Cooperative Societies Rules, 1962, I, G. G. Kambli, Dy. Registrar of Cooperative Societies, Goa am pleased to extend the terms of appointment of Adv. Suhas G. Thali, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Cooperative Societies, Central Zone, Panaji for a further period with effect from 10-9-93 to 31-3-1994.

G. G. Kambli, Dy. Registrar of Coop. Societies.

Panaji, 6th September, 1993.

Notification

No. 85/1/93-MR/MKT

Whereas vide Notification No. 85/1/93-MR/MKT dated 7-6-1993, published in the Official Gazette, Series II, No. 11 dated 10-6-93 and also daily newspapers dated 9-6-93 and 11-6-93, the Government of Goa had declared its intention of regulating the marketing of the following agricultural produce in the State of Goa as market area (hereinafter called the said declaration).

I. Fruits

1. Papaya
2. Chikoo
3. Oranges
4. Grapes

II. Vegetables

1. Onion
2. Sweet Potato
3. Potato
4. Brinjals

III. Condiments

1. Chillies

And whereas objections and suggestions received from the public on the said declaration have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964) (hereinafter called the 'said Act') as in force in the State of Goa, the Government of Goa hereby declares that the marketing of the said agricultural produce shall be regulated under the said Act in the State of Goa as market area.

By order and in the name of the Governor of Goa.

D. C. Sahoo, Registrar of Coop. Societies and Ex-officio Jt. Secretary (Coop.).

Panaji, 10th January, 1994.

Public Health Department

Order

No. 87-169-86-GDCH/PHD

Government is pleased to accept the resignation dated 9-12-92 tendered by Dr. (Miss) Seema Angle, Lecturer in Radiology in Goa Dental College & Hospital, Ribandar with immediate effect.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Health).

Panaji, 1st November, 1994.

Order

No. 8-17-87-IV/PHD/3493

Government is pleased to accept the resignation dated 26-8-1994 tendered by Dr. Kiran Prabhakar Singhal, Professor in Operative Dentistry in Goa Dental College and Hospital Ribandar with immediate effect.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Health).

Panaji, 1st November, 1994.

Order

No. 8/53/87-I/PHD

Read: Government Order No. 8-42/94-II/PHD dated 8-8-1994.

Government is pleased to relieve Dr. Silvano C. A. Dias Sapeco from the post of Medico Legal Officer of the Hospicio Hospital, Margao under the Directorate of Health Services, with immediate effect to enable him to report to the post of Lecturer in the Forensic Medicine Department, Goa Medical College, Bambolim appointed vide above stated order.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Health).

Panaji, 22nd November, 1994.

DEPARTMENT OF MINES

Order

No. 5/7/94-Mines

Whereas Shri Prakash V. Khalap (hereinafter referred to as the 'said party'), has vide his application dated 7-10-1993 (hereinafter referred to as the 'said application'), sought the grant of mining lease for extraction of Iron ore over an area of 95.66 Ha, in village Teracol of Pernem Taluka (hereinafter referred to as the 'said mining lease');

And whereas in terms of section 5(2) (a) of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), no mining lease shall be granted by the State Government unless it is satisfied that there is evidence to show that the area for which the lease is applied for has been prospected earlier and the existence of mineral contents therein has been established;

And whereas the said party has not produced any documentary evidence to establish the existence of mineral contents in the said area;

And whereas notice bearing No. 5/7/94-Mines dated 2-9-94 was served on the said party calling upon him to attend the personal hearing on 8-9-1994 at 4.30 p. m.

And whereas the said party failed to attend the said personal hearing.

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 26 of the Mineral Concession Rules, 1960, the Government of Goa hereby refuses to grant the said mining lease for the reasons explained above.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Mines).

Panaji 7th November, 1994.

Department of Labour

Order

No. 28/7/89-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Industries and Labour).

Panaji, 31st October, 1994.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri Ajit Jairam Agni, Hon'ble Presiding Officer)

Reference No. IT/22/89

Shri Narendra Dessai — Workman/Party I.

V/s

M/s. Atlantic Spinning & Weaving Mills, Xeldem, Quepem. — Employer/Party II.

Party I — represented by Adv. G. Shirodkar.

Party II — represented by Adv. M. S. Bandothkar.

Panaji, dated 12-10-1994.

A W A R D

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (Central Act 14 of 1947) the Government of Goa by order dated 27th March, 1989 bearing No. 28/7/89-ILD, referred the following issue for adjudication by this Tribunal.

"Whether the action of the management of M/s. Atlantic Spinning and Weaving Mills Ltd., Xeldem, in terminating the services of their workman Shri Narendra Dessai with effect from 11-6-1988 is legal and justified?"

If not, what relief the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/22/89 and notices were issued to the parties. In pursuance to the said notices, the parties put in their appearance. Party I (For short "Workman") who was represented by Goa Textile Worker's Association in this reference, filed his statement of claim at Exb. 1, and Party II (For short "Employer") filed its written statement. The brief facts of the case as stated by the workman in his statement of claim are that he was working with the Employer as a sider in ring frame department since January 1988. However, no letter of appointment was issued to him. The workman fell sick, suffering from Bronchitis, and was under treatment during the period 1-6-1988 to 14-6-1988 as a result of which he could not report for his duties during the said period. By letter dated 14-6-88, the workman informed the employer that he was sick and that he wanted to resume the duties w.e.f. 14-6-1988. However, he was not allowed to do so, and he was informed by letter dated 15-6-1988 that it was the policy of the management not to keep the habitual absentees who remained absent for more than 10 days without intimation. Therefore, the workman again by letter dated 16-7-88 requested the employer to allow him to resume his duties, but he was not allowed to do so. Thereafter, the workman raised the industrial dispute before the Labour Commissioner, which resulted into failure & hence the Government made this reference. The main contention of the workman is that

no letter of appointment was given to him by the employer nor there were standing orders of the employer nor any service conditions were issued to him, and hence he was not aware that he was bound to inform the employer in advance. He has also contended that it was the duty of the employer to hold an enquiry to ascertain truth about the medical certificate produced by him before refusing employment to him. The workman's case is that, not allowing him to join the duties amounts to refusal of employment and therefore, he is entitled for reinstatement with full back wages.

3. The employer filed his written statement at Exb. 3. It is the contention of the employer that it had employed certain workmen on temporary/causal basis, and it was the practice and as per the earlier notices issued, the services of the concerned workman were treated as voluntary abandonment and as such he lost lien with effect from 11-6-1988. The employer contended that its action was just and legal and the reference was liable to be rejected. The employer also denied that the workman was suffering from bronchitis or that he was entitled to reinstatement with full back wages. Based on the pleadings of the parties, Issues were framed at Exb. 4.

4. The above case was fixed for hearing on 6-10-1994 at 10.30 a.m. On the said date, Adv. G. Shirodkar appeared on behalf of Workman and Adv. M. S. Bandothkar appeared on behalf of the employer. Both the parties submitted that the dispute between the workman and the employer was settled and they filed the terms of settlement at Exb. 5 duly signed by Adv. Guru Shirodkar and Shri P. Gaonkar, the General Secretary of the Goa Textile Workers Association on behalf of the workman and Shri Ram Murli Singh, the Personal Manager of the employer. The parties prayed that Consent Award be passed in terms of settlement. I have gone through the terms of settlement and I am satisfied that they are in the interest of the workman. I, therefore, accept the submissions made by the parties and pass the Consent Award in terms of the settlement dated 6th October, 1994 at Exb. 5.

ORDER

- The opposite party II shall pay to Mr. Narendra Dessai a sum of Rs. 23,000/- (Rupees Twenty three thousand only) in full and final settlement of his claim arising out of his employment.
- Mr. Narendra Dessai shall accept the amount mentioned in clause (a) in full and final settlement of his all claim arising out of his employment and further confirms that he shall have no further claim of reinstatement or re-employment against the company.
- Mr. Narendra Dessai further confirms that his entire dispute with the company covered under the reference or otherwise is conclusively settled.

No order as to costs. Inform the Govt. accordingly.

Sd/-

(Ajit Jairam Agni),
Presiding Officer,
Industrial Tribunal.